

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.13148 OF 2014
(THE PROJECT DIRECTOR AND ANOTHER VS.SUHAS BHIMASHANKAR
KUPADE AND OTHERS)
IN
WRIT PETITION NO.10424 OF 2012
WITH
CIVIL APPLICATION NO.13149 OF 2014
(THE PROJECT DIRECTOR AND ANOTHER VS.SANJAY MURLIDHAR
JADHAV AND OTHERS)
IN
WRIT PETITION NO.911 OF 2013

Mr.K.J.Ghute Patil, Advocate for the applicants.
Mr.M.A.Thorbole, Advocate for respondent Nos. 1 to 5.
Mr.V.G.Shelke, A.G.P. for respondent No.6 / State.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 16/01/2015

PER COURT :

1. The applicants herein are the petitioners in Writ Petition No.10424/2012 and Writ Petition No.911/2013, which have been admitted.

2. Grievance of the applicants is that the Industrial Court, by its judgment and order dated 13/02/2012, delivered in Complaint (ULP) No.341/2004 has declared that the applicants are guilty of unfair labour practices under Item Nos. 6 and 9 of Schedule IV of The M.R.T.U. and P.U.L.P. Act, 1971 (For short, the Act). The applicants

are directed to confer the status of permanency upon the original complainants w.e.f. 20/11/2003 and grant consequential benefits.

3. The applicants submit that the original complainants who are respondents in the petitions have filed criminal complaints u/s 48(1) of The Act before the Labour Court at Latur and have alleged that the applicants are guilty of having disobeyed the judgment of the Industrial Court.

4. It is submitted that the applicants are Officers of the District Rural Development Agency (DRDA) established for the purpose of providing training for rural development under the Government Resolution dated 01/03/1990. DRDA was initially an autonomous body and which was specifically brought under the co-ordination and control of the State Government and the Zilla Parishad. The scheme of 1990 was transferred to the Zilla Parishad by Government Resolution dated 08/02/2000.

5. It is, therefore, submitted that the scheme was aimed at achieving the object of Rural Development as a part of the sovereign functions of the State by introducing the Mini ITI and TRYSEM so as to impart elementary / basic training to the literate and semi-literate

youth from the rural areas. By the said training, they were imparted education under various trades falling under the ITI. The intention and object of the State was to enable such trained persons to seek employment in the industrial areas as well as for generating self-employment in the areas like Carpentry and Electricians.

6. Mr.K.G.Ghute Patil, learned Advocate for the applicants, therefore, submits that none of the original complainants were working on the sanctioned vacant posts. Neither the DRDA nor the Zilla Parishad can create posts. At best, the proposals of the concerned employees could be considered by the State Government for absorption wherever work may be available. It is, in these circumstances, that the declaration of unfair labour practices can be said to be unsustainable.

7. Learned Advocate for the respondents / employees submits that they have been working under the said scheme for the past about 20 years or more. They have reached an age whereby they would not secure employment either in private sector or in public sector. Some of them have almost touched 50 years of age and would be attaining the age of superannuation in another 10 years. The future is bleak for them and the impugned judgment, delivered by the

Industrial Court on the merits of the matter, is their only hope.

8. Learned Advocate for the respondents further submits that the respondents / workmen are interested in employment so as to survive and as such are willing to work at any place in the employment of the Government so as to ensure that there would be security of employment and which would be followed by some retiral benefits to sustain them in their old age.

9. In the light of the above, this civil application is partly allowed with the following directions :-

- (a) The applicants, who are the petitioners in these 2 petitions shall submit the proposals of the respondents employees, complete in all respects, to the appropriate Department of the Government.
- (b) Such proposals shall be positively submitted within 2 (two) months from today and no further extension of time would be sought.
- (c) The concerned Department of the State, upon receiving the said proposals, shall decide the same so as to ensure that the respondents employees could be accommodated in any employment throughout the State, within a period of 4 (four) months thereafter.

- (d) The State shall consider the said proposals with promptitude and shall refrain from seeking extension of time.
- (e) The request of the respondents employees that they are willing to work even in the Zilla Parishad Department or any Government Department, be considered accordingly.

10. In the light of the above, the criminal complaints, preferred by the respondents employees before the Labour Court at Latur shall stand stayed till 31/07/2015.

11. The respondents employees are at liberty to move the writ petitions in the event of any changed circumstances.

(RAVINDRA V. GHUGE, J.)